

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 28, 2004

IN RE:

**COMPLAINT OF AENEAS COMMUNICATIONS AGAINST
CITIZENS COMMUNICATIONS IN WEAKLEY COUNTY,
TENNESSEE**

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**DOCKET NO.
02-00438**

ORDER GRANTING WITHDRAWAL

This matter is before the Hearing Officer pursuant to the *Motion to Withdraw Testimony* (“*Motion*”) filed jointly by United Telephone-Southeast, Inc. and Sprint Communications Company, L.P. (collectively “Sprint”) on May 21, 2004. For the reasons specified below, this *Motion* is hereby granted.

Sprint was granted intervention in this Docket on January 10, 2003 pursuant to a motion to intervene. Thereafter, it caused to be filed direct and rebuttal testimony of witness James Michael Maples in support of its position on the issues raised in this Docket. Sprint now contends that similar issues have been raised in TRA Docket No. 03-00585 and that it would rather advance its position in this other docket. Accordingly, while Sprint would like to remain a party of record in Docket No. 02-00438, it no longer wishes to participate in the hearing of this matter or for its pre-filed testimony to be included in the evidentiary record. Because Sprint is not a named party to this Docket, has voluntarily intervened in these proceedings, and because the requested withdrawal of testimony has not been opposed and should not prejudice the interests of the other parties, this *Motion* is well taken and is hereby granted.

IT IS THEREFORE ORDERED THAT:

1. The *Motion to Withdraw Testimony* is hereby granted.
2. The pre-filed direct and rebuttal testimony of witness James Michael Maples is stricken from the record and shall not be subject to consideration.
3. Sprint shall remain a non-participating party to these proceedings.

A handwritten signature in black ink, appearing to read 'K Beals', is written over a horizontal line.

Kim Beals, Counsel
as Hearing Officer